

REPRESENTATIONS AND CERTIFICATIONS

THE OFFEROR/BIDDER REPRESENTS AND CERTIFIES THAT: (check or complete all applicable sections)

1.A. NAME AND LOCATION OF BUSINESS ORGANIZATION (PLACE OF PERFORMANCE)

Name of Company _____ DUNS # _____
INSERT LEGAL NAME OF COMPANY

Company Address _____
(Include Zip +4 Code)

Primary Performance Location _____
(Include Zip +4 Code)

E-mail address _____ www URL (Website Address) _____

Tax Payer Identification No. (TIN)

Social Security No. (SSN) if Individual _____

Offeror must supply DUNS# to receive any contract award to receive any award.

SAM REGISTRATION IS REQUIRED FOR ALL AWARDS

System for Award Management (SAM) Registration ☐ YES or ☐ NO

If checked YES, what is SAM Expiration Date _____.

1.B. TYPE OF BUSINESS ORGANIZATION

It operates as ☐ an individual, ☐ a partnership, ☐ a *non-profit organization, ☐ an**educational institution, ☐ a corporation, incorporated under the laws of the State of _____. If a corporation, does the corporation have three (3) employees or less? ☐ yes ☐ no If yes, complete "Personal Services Questionnaire Form B" (ANL-482B).

**Nonprofit organization" means a university or other institution of higher education or an organization of the type described in section 501 (c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501 (c)) and exempt from taxation under section 501 (a) of the Internal Revenue Code (26 U.S.C. 501 (a)), or any nonprofit scientific or educational organization qualified under a State nonprofit organization statute.*

***Educational institution means a public or nonprofit institution of higher education, e.g., an accredited college or university, as defined in section 1201(a) of Public Law 89-329, November 8, 1965, Higher Education Act of 1965; (20 U.S.C. 1141 (a)).*

2. REPORTING EXECUTIVE COMPENSATION

To receive any contract award valued at \$25,000 or more, offeror must provide the names and total compensation of each of the five most highly compensated executives for the Contractor's preceding completed fiscal year, if --

- (i) in the Contractor's preceding fiscal year, the Contractor received—
 - (A) 80 percent or more of its annual gross revenues in Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; and
 - (B) \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; and
- (ii) The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
- (iii) *Definitions.* As used in this clause:

“Executive” means officers, managing partners, or any other employees in management positions.

“First-tier subcontract” means a subcontract awarded directly by a Contractor to furnish supplies or services (including construction) for performance of a prime contract, but excludes supplier agreements with vendors, such as long term arrangements for materials or supplies that would normally be applied to a Contractor's general and administrative expenses or indirect cost.

“Total compensation” means the cash and noncash dollar value earned by the executive during the Contractor's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- (1) *Salary and bonus.*
- (2) *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- (3) *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- (4) *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
- (5) *Above-market earnings on deferred compensation which is not tax-qualified.*

- (6) Other compensation, if the aggregate value of all such other compensation (*e.g.*, severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

[CHECK ONE]

(i) Contractor did not receive

- ☐ (a) 80% or more of its annual gross revenues in Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; or
- (b) \$25,000,000 or more in annual gross revenues from Federal contracts (and subcontracts), loans grants (and subgrants) and cooperative agreements; or

(ii) The public does have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

☐ Information required is included herein.

1. Name	_____	Total Compensation	_____
2. Name	_____	Total Compensation	_____
3. Name	_____	Total Compensation	_____
4. Name	_____	Total Compensation	_____
5. Name	_____	Total Compensation	_____

Section 2(d)(2) of the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282), as amended by section 6202 of the Government Funding Transparency Act of 2008 (Pub. L. 110-252), requires the Laboratory to report information on subcontract awards. The law requires all reported information be made public, therefore, the the Laboratory is advising hereby its subcontractors that the required information will be made public.

☐ **CHECK IF APPLICABLE**

If the offeror in the previous tax year had gross income from all sources under \$300,000, the Laboratory is not required to report award to that contractor.

3. LABORATORY TERMS AND CONDITIONS

By submission of its offer, the offeror represents that, unless otherwise noted in the offeror's proposal, the Laboratory's standard terms and conditions (included in the Laboratory's solicitation) will be included in and govern any subsequent contract.

4. Will contractor personnel perform any part of the work at a Government-owned contractor-operated (GOCO) facility, such as Argonne, or at a Government-owned Government-operated (GOGO) facility? Yes ☐ GOCO ☐
No ☐ GOGO ☐

5. AFFIRMATIVE ACTION COMPLIANCE (Required if firm has 50 or more employees and current Government Contracts or Subcontracts totaling \$50,000 or more and if proposed contract is for other than construction.) (Does Not Apply To Construction)

- (a) It ☐ has developed and has on file, ☐ has not developed and does not have on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2), or
- (b) It ☐ has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

6. PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (Not required if proposed procurement is expected to be less than \$10,000)

- (a) It ☐ has, ☐ has not participated in a previous contract or subcontract subject either to the Equal Opportunity clause of this solicitation or Executive Order No. 11246 as amended;
- (b) It ☐ has, ☐ has not, filed all required compliance reports; and
- (c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

7. COMPLIANCE WITH VETERANS' EMPLOYMENT REPORTING REQUIREMENTS (DEC 2001)

By submission of its offer, the offeror represents that, if it is subject to the reporting requirements of 38 U.S.C. 4212(d) (i.e., if it has any contract containing Federal Acquisition Regulation clause 52.222-37, Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans), it has submitted the most recent VETS-100 Report required by that clause.

8. SMALL BUSINESS PROGRAM REPRESENTATIONS (OCT 2000)

- (a) (1) The North American Industry Classification System (NAICS) code for this acquisition is _____ [insert NAICS code]. https://eweb1.sba.gov/naics/dsp_naicssearch2.cfm

- (2) The small business size standard is _____ [insert size standard].
- (3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b) Representations. [Refer to definitions in paragraph (c) of this provision]

- (1) The offeror represents as part of its offer that it ☐ is, ☐ is not a **small business concern**.
- (2) (Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.) The offeror represents, for general statistical purposes, that it ☐ is, ☐ is not, a **small disadvantaged business concern** as defined in 13 CFR 124.1002.
- (3) (Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.) The offeror represents as part of its offer that it ☐ is, ☐ is not, a women-owned small business concern.
- (4) (Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.) The offeror represents as part of its offer that it ☐ is, ☐ is not, a **veteran-owned small business concern**.
- (5) (Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (b)(4) of this provision.) The offeror represents as part of its offer that it ☐ is, ☐ is not, a **service-disabled veteran-owned small business concern**.
- (6) [Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents, as part of its offer, that—
 - (i) It ☐ is, ☐ is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR Part 126; and
 - (ii) It ☐ is, ☐ is not a joint venture that complies with the requirements of 13 CFR Part 126, and the representation in paragraph (b)(6)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. [The offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture: _____.] Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

(c) Definitions. As used in this provision—

“Emerging small business” means a small business concern whose size is no greater than 50 percent of the numerical size standard for the NAICS code designated.

"Service-disabled veteran-owned small business concern"-

- (1) Means a small business concern-
 - (i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and
 - (ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.
- (2) Service-disabled veteran means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

"Small business concern," means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in paragraph (a) of this provision.

"Veteran-owned small business concern" means a small business concern-

- (1) Not less than 51 percent of which is owned by one or more veterans (as defined at 38 U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and
- (2) The management and daily business operations of which are controlled by one or more veterans.

"Women-owned small business concern," means a small business concern –

- (1) Which is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and whose management and daily business operations are controlled by one or more women.
- (d) Notice.
- (1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.
 - (2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, HUBZone small, small disadvantaged, or women-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall –
 - (i) Be punished by imposition of fine, imprisonment, or both;

- (ii) Be subject to administrative remedies, including suspension and debarment; and
- (iii) Be ineligible for participation in programs conducted under the authority of the Act.

9. WOMEN-OWNED BUSINESS REPRESENTATION (Other than Small Business Concerns)

(Complete only if the offeror is a woman-owned business enterprise concern and did not represent itself as a small business concern in paragraph (b)(1) of this provision). The offeror represents as part of its offer that it ☐ is, ☐ is not, a Women-Owned Business Concern.

"Women-Owned," as used in this provision, means a Small Business that is at least fifty-one percent (51%) owned by a woman or women who are U. S. citizens and who also control and operate the business.

10. MINORITY-OWNED BUSINESS REPRESENTATION (Other Than Small Business Concerns)

(Certify only if the offeror is a minority-owned business enterprise and did not represent itself as a small business concern in paragraph (b)(1) of this provision.) The offeror represents as part of its offer that it ☐ is, ☐ is not a minority business enterprise.

"Minority Business Enterprise" as used in this provision, means a business enterprise that is owned or controlled by one or more socially or economically disadvantaged persons. Such disadvantaged may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to African Americans, Native Americans, Hispanic Americans, Asian Pacific Americans, and Subcontinent Asian Americans.

11. BUY AMERICAN ACT – SUPPLIES (Does Not Apply To Construction)

The offeror certifies that each end product, except those listed below, is a domestic end product (as defined in the clause entitled, Buy American Act - Supplies), and that for other than commercially available off-the-shelf (COTS) items, components of unknown origin are considered to have been mined, produced, or manufactured outside the United States (as defined in the clause entitled, Buy American Act - Supplies). **NOTE:** Applicable Foreign End Products will be evaluated in accordance with FAR 25.105.

Foreign End Products	Country of Origin
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

(List as necessary)

12. BERYLLIUM MACHINING OR PROCESSING (Required if contract will entail the machining or processing of Beryllium)

- ☐ The offeror certifies that they are aware of beryllium hazards [10 CFR Part 850, Chronic Beryllium Disease Prevention Program, URL <http://www.eh.doe.gov/be/docs/berule.pdf>] and are prepared to take necessary precautions in handling.

13. SUSPECT/COUNTERFEIT PARTS CERTIFICATION

Suspect/counterfeit parts shall not be used in the performance of any work resulting from this offer, whether on or off the Laboratory site, nor shall suspect/counterfeit parts be included in any supplies furnished as a result of this offer.

14. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS (DEC 2001) (Applies to orders and contracts \$30,000 or greater)

- (a) (1) The Offeror certifies, to the best of its knowledge and belief, that –
- (i) The Offeror and/or any of its Principals –
- (A) Are ☐, are not ☐, presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;
- (B) Have ☐, have not ☐, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and
- (C) Are ☐, are not ☐, presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph (a)(1)(i)(B) of this provision.
- (ii) The Offeror has ☐ has not ☐, within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.
- (2) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

This Certification Concerns a Matter Within the Jurisdiction of an Agency of the United States and the Making of a False, Fictitious, or Fraudulent Certification May Render the Maker Subject to Prosecution Under Section 1001, Title 18, United States Code.

- (b) The Offeror shall provide immediate written notice to the Laboratory if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Laboratory may render the Offeror nonresponsible.
- (d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Laboratory may terminate the contract resulting from this solicitation for default.

15. BY SUBSCRIBING HERETO, THE OFFEROR/BIDDER AGREES THAT THE FOREGOING REPRESENTATIONS AND CERTIFICATIONS ARE TRUE AND CORRECT.

Name of Official: _____

Signature: _____

Title: _____ Date: _____